



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, APRIL 5, 2006

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

6:00 P.M.

A Special Meeting of the City Council is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: Tichinin v. City of Morgan Hill
Case Number: Santa Clara County Superior Court, Case No. 1-05-CV-046112
Attendees: City Manager; City Attorney; Special Counsel Timothy J. Schmal

2.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; Human Resources Director
Employee Organizations: Morgan Hill Police Officers Association
Employees Covered under Management Resolution #5872, as amended

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: General Lighting Service, Inc. v. Wells Construction Group, et al. [Consolidated
Actions]
Case Number: Santa Clara County Superior Court, Lead Case No. 1-04-CV-025561
Attendees: City Manager; City Attorney

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: Berkman v. City of Morgan Hill et al.
Case Number: Santa Clara County Superior Court, 1-04-CV-031021
Attendees: City Manager; City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Grange Month
Mr. Lynn Liebschutz

Sexual Assault Awareness Month
Amy Molica, Community Solutions

PRESENTATIONS

Donation to Library Building Project
W. Robert Ruge
Roseanne Macek, Morgan Hill Public Library
Carol O'Hare, Friends of the Library

Law Enforcement Foundation
David Cohen

CITY COUNCIL REPORT

Council Member Carr

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-13

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **AMENDMENT TO ANNUAL CONTRACT WITH MONTEREY COUNTY LABORATORY FOR WATER SAMPLING AND ANALYSIS** 1
Recommended Action(s):
 1. **Approve** the Amendment to the Agreement with Monterey County Laboratory Dated 2004 to Increase the Maximum Compensation from \$244,000 to \$314,000; and
 2. **Approve** the Appropriation of \$70,000 from the Unappropriated Water Fund Balance (650) to Fund Perchlorate Testing and EPA Water Quality Testing.
2. **REIMBURSEMENT FOR WATER MAIN INSTALLATION BY MARRAD GROUP, INC. (TRACT 9586)** 7
Recommended Action(s): **Authorize** the Reimbursement of \$145,585 for Installation of a 16-Inch Water Main by Marrad Group, Inc.
3. **AWARD OF SECOND STREET WATER MAIN REPLACEMENT PROJECT** 11
Recommended Action(s):
 1. **Award** Contract to Monterey Peninsula Engineering, Inc. for the Construction of the Second Street Water Main Replacement Project in the Amount of \$164,375; and
 2. **Authorize** Expenditure of Construction Contingency Funds, Not to Exceed \$16,438.
4. **FINAL MAP APPROVAL JASPER PARK PHASE II (TRACT 9772)** 15
Recommended Action(s):
 1. **Approve** the Final Map; and
 2. **Authorize** the Recordation of the Map Following Recordation of the Development Improvement Agreement.
5. **STATUS REPORT REGARDING IMPLEMENTATION OF THE INSTITUTE GOLF COURSE MITIGATION MONITORING AND REPORTING PLAN (MMRP)** 19
Recommended Action(s): **Information** Only, No Action Required.
6. **CAPSTONE COMMUNITY CONVERSATION** 35
Recommended Action(s):
 1. **Authorize** the City Manager to Execute an Agreement with ViewPoint Learning to Provide Public Engagement Services in Connection with the April 29, 2006 Capstone Community Conversation; Subject to Review and Approval by the City Attorney; and
 2. **Increase** Appropriations in the Community Promotions Budget within the General Fund by \$10,000.
7. **CONTRACT WITH DAVID J. POWERS & ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES** 41
Recommended Action(s): **Authorize** the City Manager to Execute the Agreement; Subject to Review and Approval by the City Attorney.
8. **APPROVE PURCHASE ORDER FOR Data911 MOBILE COMPUTER SYSTEMS** 75
Recommended Action(s):
 1. **Authorize** the City Manager to Approve a Purchase Order Totalling \$45,530.55 with Data911 for New Mobile Computer Systems;
 2. **Award** the total Project Cost of \$104,069.82, and **Authorize** the City Manager to Execute a Three-Year Agreement with Data911 for the Purchase of These Computer Systems; Subject to Review and Approval by the City Attorney; and
 3. **Approve** a Budgetary Increase of \$13,008.73 in the Police Donation Fund.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
9.	<u>PURCHASE OF POLICE DEPARTMENT MULTI-SERVICES OFFICER (MSO)/PRISONER TRANSPORT VEHICLE</u>	79
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Approve the Purchase Order for a Police Transport Van through Downtown Ford for a Total Amount of \$22,560.	
10.	<u>ACCEPTANCE OF DONATION FROM W. ROBERT RUGE FOR THE LIBRARY BUILDING PROJECT</u>	81
	<u>Recommended Action(s):</u> <u>Accept</u> Monetary Donation of \$5,000 from W. Robert Ruge for the Library Building Project.	
11.	<u>SOUTH VALLEY CIVIC THEATRE LEASE RENEWAL OF THE MORGAN HILL COMMUNITY PLAYHOUSE</u>	85
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the Lease Agreement Renewal with South Valley Civic Theatre (SVCT) for the use of the Morgan Hill Community Playhouse; and	
	2. <u>Authorize</u> the City Manager to Execute the Lease Agreement Renewal, Subject to Review and Approval by the City Attorney; and do whatever is Necessary to Effectuate the Agreement.	
12.	<u>ADOPT ORDINANCE NO. 1763, NEW SERIES</u>	101
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1763, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE MORGAN HILL MUNICIPAL CODE, SECTION 18.56.150 MINOR EXCEPTIONS TO ALLOW MINOR ADDITIONS WHILE MAINTAINING EXISTING NON-CONFORMING HEIGHTS. (ZA-05-28: OAKHILL-SPERA).	
13.	<u>ADOPT ORDINANCE NO. 1764, NEW SERIES</u>	105
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1764, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PRECISE DEVELOPMENT PLAN AND PUD GUIDELINES FOR A PLANNED UNIT DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF COCHRANE ROAD AND MADRONE PARKWAY (APN 726-33-028) (ZAA-04-11: COCHRANE-TBI).	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 14

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	Consent Calendar: 1 - 10 Minutes	
14.	<u>REVISION TO FACADE IMPROVEMENT PROGRAM</u>	119
	<u>Recommended Action(s):</u> <u>Authorize</u> the Executive Director to Modify the Façade Improvement Program to Include Older Commercial and Industrial Buildings.	

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 15

Time Estimate

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Consent Calendar: 1 - 10 Minutes

15. APPROVE JOINT REDEVELOPMENT AGENCY REGULAR AND CITY COUNCIL SPECIAL MEETING MINUTES OF MARCH 22, 2006 123

City Council Action

PUBLIC HEARINGS:

Time Estimate

Page

16. 5 Minutes DEVELOPMENT AGREEMENT AMENDMENT APPLICATIONS DA-03-13 AND DA-05-01: MISSION VIEW DRIVE-MISSION RANCH139
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- Motion to Waive the Reading in Full of Ordinance Amending Development Agreement DA-03-13.
Action- Motion to Introduce Ordinance by Title Only. (Roll Call Vote)
Action- Motion to Waive the Reading in Full of Ordinance Amending Development Agreement DA-05-01.
Action- Motion to Introduce Ordinance by Title Only. (Roll Call Vote)
17. 5 Minutes VACATION OF A PORTION OF TAYLOR AVENUE.....151
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- Adopt Resolution Vacating a Portion of Taylor Avenue.
Action- Authorize the City Manager to Sign Quitclaim Deeds on Behalf of the City.
Action- Direct the City Clerk to File Copies of the Quitclaim Deeds in the Office of the Santa Clara County Recorder.
Action- Direct the City Clerk to File a Certified Copy of the Resolution in the Office of the Santa Clara County Recorder.
18. 45 Minutes GENERAL PLAN AMENDMENT GPA 05-05: CITY OF MORGAN HILL- URBAN LIMIT LINE (ULL)/ GREENBELT STUDY IMPLEMENTATION167
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- Continue to April 19, 2006 Meeting.

PUBLIC HEARINGS:

	Time Estimate		Page
19.	30 Minutes	<u>URBAN SERVICE AREA APPLICATION, USA-05-02/ ZONING AMENDMENT APPLICATION, ZA-06-01/ ANNEXATION APPLICATION, ANX-03-01: EDMUNDSON-OAK MEADOW PLAZA</u>	231
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Continue</u> to April 19, 2006 Meeting.	
20.	15 Minutes	<u>GENERAL PLAN AMENDMENT APPLICATION, GPA-05-06/ URBAN SERVICE AREA APPLICATION, USA-05-01/ ZONING AMENDMENT APPLICATION, ZA-05-27/ ANNEXATION APPLICATION, ANX-05-18: SANTA TERESA BOULEVARD-BLACK ROCK</u>	249
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Continue</u> to April 19, 2006.	
21.	15 Minutes	<u>AMENDMENT TO DESIRABLE INFILL POLICY</u>	265
		<u>Recommended Action(s): Approve</u> Amendment to Policy.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
22.	5 Minutes	<u>SOLID WASTE MANAGEMENT RATE ADJUSTMENT</u>	283
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> the Refuse Rate Resolution.	

OTHER BUSINESS:

	Time Estimate		Page
23.	15 Minutes	<u>AWARD CONTRACTS FOR CONSTRUCTION OF NEW LIBRARY AND APPROVE CONSULTANT AGREEMENTS AND AMENDMENT FOR PROFESSIONAL SERVICES</u> <u>Recommended Action(s):</u> 1. <u>Approve</u> Project Plan and Specifications; 2. <u>Approve</u> Financing Strategy as Outlined in Memo and <u>Appropriate</u> \$1.5 Million Additional Funding as Recommended; 3. <u>Reject</u> Bid Package Number 11-Glass, and <u>Authorize</u> Rebid; 4. <u>Waive</u> Minor Irregularities in Apparent Low Bid Numbers 7, 8, 9, 14, 15, 16, and 19 that do not Materially Affect Amount of Bid nor Provide a Competitive Advantage to Low Bidder as Shown on Bid Results Summary and as Reviewed by the City Attorney; 5. <u>Reject</u> Non-Responsive Apparent Low Bid Numbers 3, 4, 13, and 20 as Shown on the Bid Results Summary and as Reviewed by the City Attorney; 6. <u>Award</u> Construction Contracts for Various Prime Contractors in the Total Amount of \$10,701,023, per Bid Results Summary; Subject to Review and Approval by the City Attorney; 7. <u>Authorize</u> the City Manager to Execute Consultant Agreements for Professional Services During Construction, per Staff Report Memo; Subject to Review and Approval by the City Attorney; 8. <u>Authorize</u> the City Manager to Execute a Sixth Amendment to the Noll & Tam Design Agreement, per Staff Report Memo; Subject to Review and Approval by the City Attorney; 9. <u>Adopted</u> the Resolution Declaring the City’s Intent to Reimburse Certain Library Project Expenditures from Bond Proceeds.	291
24.	5 Minutes	<u>FRIENDS OF THE MORGAN HILL LIBRARY “NAMING OPPORTUNITIES” FOR FUNDRAISING CAMPAIGN</u> <u>Recommended Action(s): Provide Direction</u> to The Friends of the Morgan Hill Library Regarding Authorizing Room/Area Naming Rights to Potential Donors for the New Public Library, as Part of their Fundraising Campaign.	317
25.	5 Minutes	<u>CO-SPONSORSHIP REQUEST – COMMUNITY SOLUTIONS</u> <u>Recommended Action(s): Consider Request</u> for Co-Sponsorship from Community Solutions.	321
26.	15 Minutes	<u>PERMANENT SKATE PARK – REVISION TO CAPITAL IMPROVEMENT PLAN</u> <u>Recommended Action(s):</u> 1. <u>Receive</u> Staff Report on Proposed Revision to Capital Improvement Plan for Development of a Permanent Skate Park per Youth Advisory Committee and Parks and Recreation Commission Recommendations; and 2. <u>Appropriate</u> \$65,000 of Measure C Impact Fees from Unappropriated Funds, to be Combined with State Department of Recreation Grant Funding, to Provide a Permanent Skate Park at the Approved Community Indoor Recreation Site.	327

OTHER BUSINESS:

	Time Estimate		Page
27.	10 Minutes	<u>COMPREHENSIVE IMMIGRATION REFORM (HR4437)</u> <u>Recommended Action(s): Authorize</u> Mayor to Send a Letter in Opposition to HR4437, and in Support of Fairness and Justice for Immigrants.	331

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.